

JOURNAL OF THE HOUSE.

Wednesday, July 6, 2005.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Statement Concerning Representative Connolly of Everett.

A statement of Mrs. Harkins of Needham concerning Mr. Connolly of Everett was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Connolly of Everett, was not present in the House Chamber for today's sitting due to a medical appointments. If he had been present for the question on passing to be engrossed the House Bill establishing the interstate compact for adult offender supervision (House, No. 4192, amended), he would have voted in the affirmative. If he had been present for the question on passing to be engrossed, in concurrence, as amended, the Senate Bill providing timely access to emergency contraception (Senate, No. 2073), he would have voted in the affirmative. Any roll calls that he missed today was due entirely to the reason stated.

Statement
concerning
Representative
Connolly of
Everett.

Statement Concerning Representative Kaprielian of Watertown.

A statement of Mrs. Harkins of Needham concerning Ms. Kaprielian of Watertown was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kaprielian of Watertown, will not be present in the House Chamber for today's sitting due to a scheduling conflict. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement
concerning
Representative
Kaprielian of
Watertown.

Statement Concerning Representative Kennedy of Brockton.

A statement of Mr. Petrolati of Ludlow concerning Mr. Kennedy of Brockton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kennedy of Brockton, was not present in the House Chamber for today's sitting due to the continuation of his medical care. If he had been present for the question on passing to be engrossed the House Bill establishing the interstate compact for adult offender supervision (House, No. 4192, amended), he would have voted in the affirmative. Any roll calls that he missed today is due entirely to the reason stated.

Statement
concerning
Representative
Kennedy of
Brockton.

Statement Concerning Representative Owens-Hicks of Boston.

A statement of Mrs. Harkins of Needham concerning Ms. Owens-Hicks of Boston was spread upon the records of the House, as follows:

Statement
concerning
Representative
Owens-Hicks of
Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Owens-Hicks of Boston, will not be present in the House Chamber for today's sitting due to a long-standing family commitment outside of the Commonwealth. Any roll calls that she may miss today will be due entirely to the reason stated.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Cynthia
and Phillip
Woods.

Resolutions (filed by Mr. Nyman of Hanover) congratulating Mr. and Mrs. Phillip P. Woods on the occasion of their fiftieth wedding anniversary; and

Lawrence
High School
volleyball
team.

Resolutions (filed by Messrs Torrisi of North Andover, Finegold of Andover and Lantigua of Lawrence) congratulating the Lancers volleyball team of Lawrence High School on the occasion of their state championship victory;

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Driscoll of Braintree, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

Quincy,
senior citizen
safety zone.

A Bill authorizing the city of Quincy to establish senior citizen safety zones (Senate, No. 2022) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. O'Brien of Kingston, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Tobin of Quincy, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

Peabody,
land.

A House petition of Joyce A. Spiliotis and Frederick E. Berry (with the approval of the mayor and city council) for legislation to authorize and direct the Division of Capital Asset Management and Maintenance to convey a certain parcel of land to the city of Peabody, came from the Senate with the endorsement that said branch had concurred in the suspension of Joint Rule 12, non-concurred in the reference to the committee on State Administration and Regulatory Oversight and that it had been referred, in non-concurrence, to the committee on Bonding, Capital Expenditures and State Assets.

On motion of Ms. Speliotis of Peabody, the House receded from its reference; and the petition (accompanied by bill, House, No. 4247) was referred, in concurrence, to the committee on Bonding, Capital Expenditures and State Assets.

A report of the committee on Children and Families, asking to be discharged from further consideration of the petition (accompanied by resolve, Senate, No. 76) of Susan C. Fargo that provision be made for an investigation and study by a special commission (including members of the General Court) relative to the needs of persons with agoraphobia and related disorders,— and recommending that the same be referred to the committee on Mental Health and Substance Abuse.

Agoraphobia,
study

A report of the committee on Consumer Protection and Professional Licensure, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 226) of Frederic P. Hartwell for legislation to modernize the requirements for electrical trade practice,— and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy.

Electrical
trade
practices.

A report of the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1238) of Kevin M. Stewart for legislation relative to the certification of forensic counselors,— and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure.

Forensic
counselors,
certify.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2138) of Robert A. O'Leary and Eric Turkington (by vote of the town) for legislation to impose a transfer fee for wastewater improvements in Nantucket County;

Nantucket,
transfer
fee.

Petition (accompanied by bill, Senate, No. 2139) of Michael W. Morrissey, Joseph R. Driscoll and Brian A. Joyce (by vote of the town) for legislation to establish a town manager for the town of Braintree; and

Braintree,
town
manager.

Petition (accompanied by bill, Senate, No. 2140) of Harriette L. Chandler and Edward M. Augustus, Jr. (with approval of the mayor and city council) for legislation relative to the financing and construction of a public parking garage and other improvements in the city of Worcester;

Worcester,
improvements.

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, Senate, No. 2149) of Andrea F. Nuciforo, Jr. (with approval of the mayor and city council) for legislation relative to the supplemental reserve fund requirements of the city of Pittsfield. To the committee on Revenue.

Pittsfield,
supplemental
fund.

Reports of Committees.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill to clarify eligibility for health insurance for school

School
employees,
insurance.

employees (House, No. 518),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Polyurethane,
prohibit.

By Mr. Koutoujian of Waltham, for the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2728) of Edward G. Connolly for legislation to prohibit the use of polyurethane in buildings,— and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Children,
well-being.

By Mrs. Owens-Hicks of Boston, for the committee on Children and Families, on a petition, a Bill to assess the impact of the public welfare system on the health and well-being of children (House, No. 3863, changed in lines 13 and 14 by striking out the words “the Human Services Committee, the Health Care Committee,” and inserting in place thereof the words “the joint committee on Children and Families, the Health Care Finance Committee.”).

Welfare
reform

By the same member, for the same committee, on House, No. 3866, a Bill relative to responsible welfare reform (House, No. 4245).

Home care
work force
council.

By the same member, for the same committee, on Senate, No. 139 and House, No. 4055, a Bill to establish a personal care attendant quality home care work force council (House, No. 4246).

Severally read; and referred, under Joint Rule 1E, to the committee on Health Care Financing.

Children,
discrimination.

By Mrs. Owens-Hicks of Boston, for the committee on Children and Families, on a petition, a Bill eliminating discrimination against children based on birth order (House, No. 1455).

Transitional
Assistance,
payment
of rent.

By the same member, for the same committee, on a petition, a Bill further regulating direct payment of rent to landlords by the Department of Transitional Assistance (House, No. 2819, changed in lines 1 and 2 by striking out the following: “Section 27 of Chapter 128 of the General Laws, as appearing in the 1998 Official Edition,” and inserting in place thereof the following: “Section 27 of Chapter 18 of the General Laws, as appearing in the 2004 Official Edition.”).

Temporary
family
benefits.

By the same member, for the same committee, on House, Nos. 2822 and 2831, a Bill to establish an individual development account program for individuals eligible for temporary assistance to needy families benefits (House, No. 2831).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Orders of the Day.

Senate bills

Second
reading
bills.

Clarifying the powers and duties of the Charlton water and sewer commission (Senate, No. 1163); and

Designating the Massachusetts National Guard way in the city of Westfield (Senate, No. 1915); and

House bills

Designating a certain bridge in the town of Weymouth as “The Weymouth Memorial Bridge” (House, No. 1693, changed);

Relative to the Swansea Water District (House, No. 3557);

Further regulating reporting requirements of constables (House, No. 3573);

To improve municipal borrowing procedures (House, No. 3589);

Relative to appropriations to municipal stabilization funds (House, No. 3609);

Relative to local mandates (House, No. 3610);

To designate all or part of certain state highways in Essex County as a coastal scenic byway (House, No. 4036);

Establishing a traffic commission in the city of Woburn (House, No. 4063);

Authorizing certain appropriations from the town of Bridgewater capital projects fund (House, No. 4095);

Relative to the membership of the Conservation Commission of the town of Falmouth (House, No. 4098);

Authorizing the town of Dedham to transfer land for senior center purposes (House, No. 4102);

Relative to the charter of the town of Eastham (House, No. 4103);

Relative to the charter of the town of Rockland (House, No. 4107);

Relative to the charter of the town of Rockland (House, No. 4108);

Relative to the charter of the town of Rockland (House, No. 4109);

Relative to the charter of the town of Rockland (House, No. 4110);

Authorizing the town of Brookline to increase the expenditure cap on chapter 44, section 53E1/2 revolving funds (House, No. 4112);

Relative to the board of health in the town of North Andover (House, No. 4115);

Authorizing the town of North Andover to grant a certain utility easement (House, No. 4116);

Relative to the city of Chicopee (House, No. 4117);

Relative to certain conservation land in the town of Falmouth (House, No. 4133);

Relative to the Greater Lawrence Sanitary District (House, No. 4138); and

Relative to the town of Reading (printed in House, No. 4187);

Severally were read a second time; and they were ordered to a third reading.

House reports

Of the committee on Municipalities and Regional Government, ought NOT to pass, on the petition (accompanied by bill, House, No. 4084) of William C. Galvin and Brian A. Joyce (by vote of the town) that the town of Canton be authorized to dispose of certain land located in said town and also in the town of Stoughton; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4132) of Philip Travis (by vote of the town) for legislation to authorize the conservation commission of the town of Rehoboth to impose fees for the employment of outside consultants; and

House
reports.

Of the committee on Public Health, ought NOT to pass, on the petition (accompanied by bill, House, No. 1633) of Gale D. Candaras and others relative to infectious disease control;

Severally were accepted.

Recesses.

Recesses.

At twenty minutes after eleven o'clock A.M., on motion of Mr. Rushing of Boston (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at six minutes after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

The House thereupon took a further recess, on motion of Mr. O'Flaherty of Chelsea, until half past two o'clock; and at a quarter before three o'clock the House was called to order with Mrs. Harkins of Needham in the Chair.

Engrossed Bill — Land Taking.

Rowley, conservation land.

The engrossed Bill authorizing the town of Rowley to lease certain conservation land (see House, No. 1721) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land taking), yea and nay No. 81.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 81 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Adult offender supervision.

The House Bill establishing the interstate compact for adult offender supervision (House, No. 4192, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Bill passed to be engrossed, yea and nay No. 82.

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. O'Flaherty of Chelsea; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 82 in Supplement.]

Therefore the bill was passed to be engrossed. Sent to the Senate for concurrence.

Dawn Heinle-Kimball, sick leave bank.

The Senate Bill establishing a sick leave bank for Dawn Heinle-Kimball, an employee of the Trial Court (Senate, No. 2072, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Westport, bridge designation.

The House Bill designating a certain bridge in the town of Westport as the Westport Police Officers Memorial Bridge (House,

No. 1690), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill regulate liquefied natural gas tanker import terminals (House, No. 1418, changed) was read a second time.

Natural gas tankers, terminals.

Pending the question on ordering the bill to a third reading, Mr. Dempsey of Haverhill moved that it be referred to the committee on Telecommunications, Utilities and Energy; and after debate the motion prevailed.

The Senate Bill providing timely access to emergency contraception (Senate, No. 2073) was read a second time; and it was ordered to a third reading.

Emergency contraception

At twenty-nine minutes before four o'clock P.M., the Chair (Mrs. Harkins of Needham) declared a recess until a quarter before four o'clock; and at twenty minutes after four o'clock the House was called to order with Mrs. Harkins in the Chair.

Recess.

Under suspension of the rules, on motion of Mr. Koutoujian of Waltham, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question passing the bill to be engrossed, in concurrence, the Chair (Mrs. Harkins of Needham), having determined that a quorum was not in attendance, directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 152 members were recorded as being in attendance.

Quorum, yea and nay No. 83.

[See Yea and Nay No. 83 in Supplement.]

Therefore a quorum was present.

After debate on the question on passing the bill to be engrossed, in concurrence, Mr. Jones of North Reading and other members of the House moved that it be amended by adding at the end thereof the following section:

"SECTION 5. Section 12DD of chapter 112 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by adding the following paragraph:—

Each facility or pharmacy initiating emergency contraception shall report the number of times emergency contraception is administered to the department of public health on a quarterly basis. Whenever any such case is treated in a hospital, clinic or other institution, the administrator, manager, or other person in charge thereof shall report such case to the commissioner of public health at the end of each calendar month. Whenever such case is treated in a pharmacy, the manager or other person in charge shall report, by individual store location, such case to the commissioner of public health quarterly. The reports made pursuant to this section shall be confidential and shall not be a public record as defined by section 7 of chapter 4. The department of public health shall promulgate regulations to carry out the provisions of this section. Whoever violates any provision of this section shall be punished by a fine of not less than fifty dollars or more than one hundred dollars."

The amendment was adopted.

Mr. Rogers of Norwood and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 6. Section 21B of chapter 272 of the General Laws shall apply to the provisions of this act.”.

The amendment was adopted.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Koutoujian of Waltham; and on the roll call 135 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 84 in Supplement.]

Therefore the bill, as amended, was passed to be engrossed, in concurrence. Mr. Koutoujian moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (Senate, No. 2073, amended) then was sent to the Senate for concurrence in the amendments adopted by the House.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Mr. Smizik of Brookline then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at the hour of five o'clock P.M. (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.

Bill passed
to be
engrossed,
yea and nay
No. 84.

Next
sitting.